

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**CARNELL MATHEWS**  
891 Ravine Road  
Cleveland Heights, Ohio 44112

and

**CHRISTOPHER OWENS**  
16110 Judson Drive  
Cleveland, Ohio 44128

Plaintiffs,

v.

**DRUG ENFORCEMENT,  
ADMINISTRATION**  
Asset Forfeiture Section  
8701 Morrisette Drive  
Springfield, VA 22152

Defendant.

CASE NO. 1:14-CV-220

COMPLAINT

Carnell Mathews and Christopher Owens, by and through their undersigned counsel,  
states for their Complaint the following:

INTRODUCTORY STATEMENT

1. This is an action to contest the seizure of property belonging to Carnell Mathews and Christopher Owens, both citizens of the United States of America, against the Drug Enforcement Administration, an agency of the federal government of the United States of America under the United States Department of Justice.

**JURISDICTION**

2. This action is brought pursuant to 21 U.S.C. § 881.
3. This Court has subject matter jurisdiction under 18 U.S.C. § 983(a), 28 U.S.C. § 1331 and 28 U.S.C. 1343.

**PARTIES**

4. Plaintiff Carnell Mathews is, and was at all times relevant hereto, a citizen of the United States and a resident of Cuyahoga County, Ohio.
5. Plaintiff Christopher Owens is, and was at all times relevant hereto, a citizen of the United States and a resident of Cuyahoga County, Ohio.
6. The Drug Enforcement Administration is an agency of the federal government of the United States of America under the United States Department of Justice.
7. The actions of Defendant were taken under the color of federal law.

**FACTUAL ALLEGATIONS**

8. On or about May 23, 2013, the property of Plaintiffs was seized in Warren County, Ohio as the property was allegedly used or acquired as a result of a violation of the Controlled Substances Act, 21 U.S.C. § 801.
9. The property so seized was Fifty Six Thousand and Nine Hundred and Seventy Dollars (\$56,970.00) in United States Currency.
10. On July 18, 2013, Plaintiffs through prior counsel, filed with the Warren County Court of Common Pleas a “Petition for Return of Property Under Favor of Ohio Revised Code Section 2981.03, et al. and Rule 12(C)(3) of the Ohio Rules of Criminal Procedure” seeking return of the seized monies. *See Exhibit A.*

11. After Plaintiffs filed said Petition clearly communicating an intention to retrieve the seized monies, on July 19, 2013, Plaintiffs received a Notice of Seizure from the DEA. *See Exhibit B* (USPS Tracking Confirmation for Parcel 7012 1010 0003 2588 1269), *See Exhibit C* (Notice of Seizure Correspondence from the DEA).
12. Even after Plaintiffs filed the aforementioned Petition evidencing the clear intent to seek the return of seized property the Defendant continues to unlawfully hold Plaintiffs' monies.

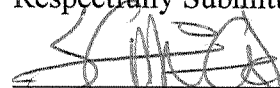
**COUNT I**  
(Unlawful Seizure)

13. Plaintiffs hereby incorporate each and every averment contained in the aforementioned Paragraphs as if fully rewritten herein.
14. Plaintiffs' property, being the aforementioned monies, was not used or acquired as the result of any drug-related offense; was not derived from any drug-related offense; was not the proceeds of any drug-related offense; and was not used in any way whatsoever to facilitate any drug-related offense.
15. The aforementioned monies that were seized by Defendant are the lawful property of Plaintiffs and were not used or acquired as the result of a violation of the Controlled Substances Act, 21 U.S.C. § 801.

**WHEREFORE**, Plaintiffs Carnell Mathews and Christopher Owens pray for judgment in their favor and against Defendant as follows:

1. The return of Plaintiffs property, specifically Fifty Six Thousand and Nine Hundred and Seventy Dollars (\$56,970.00) in United States Currency;
2. Attorney's fees and other costs of suit herein, and;
3. Such other and further relief as this Court deems just and proper.

Respectfully Submitted,



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